

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.W.P. No.3604 of 2007
Date of Decision:09.03.2007**

Dr. Bhupinder Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL**

Present:- Mr. Ajay Tewari, Advocate for the petitioner.

M.M.KUMAR, J.

The prayer made in the instant petition filed under Article 226 of the Constitution of India is for quashing order dated 19.1.2007 passed by Director Public Instructions (Colleges), Punjab, declining to approve the case of the petitioner for appointment on the post of Principal on the ground that he did not fulfil the required educational qualification on the last date of submission of the application as he did not possess the qualification of Ph.D till that time.

Respondent No.4 had issued an advertisement on 4.4.2006 inviting application for regular appointment on the post of Principal. The applications were to reach respondent No.4 within 21 days from the date of publication of the advertisement with a copy to Dean, College Development Council, Panjab University, Chandigarh. Eligibility and pay scale were got to be as per the conditions laid down by the University Grant Commission/ Panjab University, Chandigarh and DPI Colleges, Punjab as well as National Council of Technical Education. It is undisputed that qualification of Ph.D is an essential qualification for appointment as Principal. It is conceded that the petitioner acquired the qualification of Ph.D on August 17, 2006, which was much later than the last date of receipt of application. In the advertisement, there was no stipulation that the qualification could be relaxed so as to inform all the persons in the field to apply who may not have acquired qualification on the cut off date, i.e., last date of receipt of

application form. Therefore, Director Public Instructions (Colleges) - respondent No.2 has rightly taken the decision that the petitioner did not fulfil the qualification on or before the last date of receipt of application and thus was not qualified. It has been repeatedly held by Hon'ble the Supreme Court that unless the cut-off date for fulfilling the qualification is mentioned in the advertisement, the last date for receipt of application is to be considered as the cut off date. In that regard, reliance may be placed on the judgments of the Supreme Court in **Dr. M.V.Nair v. Union of India**, (1993) 2 SCC 429; **Rekha Chaturvedi v. University of Rajasthan**, 1993 Supp (3) SCC 168; **Ashok Kumar Sharma v. Chander Shekhar**, (1997) 4 SCC 18 and **Bhupinderpal Singh and others v. State of Punjab and others**, (2000) 5 SCC 262. In the present case, the advertisement was issued on 4.4.2006 (Annexure P.2) and within 20 days from the date of publication of the advertisement, the applications were to reach respondent No.4. By addition of 21 days, the last date would fall on 25.4.2006. Admittedly, the petitioner had acquired the qualification of Ph.D on August 17, 2006, which is much beyond the last date for receipt of application. We find no merit in the petition. Accordingly, the same is dismissed.

(M.M.KUMAR)
JUDGE

March 09, 2007
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(RAJESH BINDAL)
JUDGE